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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,701	06/23/2003	Richard Newton Hill JR.		5740

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EXAMINER

FREAY, CHARLES GRANT

ART UNIT PAPER NUMBER

3746

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: there are three species sets, Species Set 1: directed to the different types of piston: species 1 shown in Fig. 4 and species 2 shown in Fig. 5; Species Set 2 directed to the means for mounting the pump to the ocean floor: species 1 shown in Fig. 7 and species 2 shown in Fig. 8; and, Species Set 3 directed to the different methods of using the wave actuated pump: species 1 including pumping water to create greater volume, a reservoir or a levied area for sea farming (including claims 8, 9 and 19), species 2 directed to use with a oxygen regeneration system, species 3 directed to use with a hydro-power system, species 4 directed to a method of using the pump water to drive booster pumps, species 5 directed to create evaporation ponds for chemical extraction and waste removal, for forming clouds, causing rainfall creating new pastureland and moderating the earth's climate, species 6 directed to using the pump in a desalination arrangement, species 7 directed to pumping water from levied areas, and species 8 directed to oil spill clean-up.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each Species Set for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims

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readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was not made to the applicant to request an oral election to the above restriction requirement due to the complex nature of the restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-

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4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles G Freay
Primary Examiner
Art Unit 3746

CGF
February 4, 2006